

**UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

Margaret Palcko,	:	Civil Action
Plaintiff	:	
	:	
v.	:	
	:	
Airborne Express, Inc.,	:	No.: 02-CV-2990
Defendant	:	
	:	

PLAINTIFF’S MOTION TO ENTER DEFAULT JUDGMENT
AGAINST DEFENDANT AIRBORNE EXPRESS, INC.

_____Plaintiff, Margaret Palcko, by and through her attorneys, move the Court pursuant to Fed. R.C.P. 55 (b)(2) for entry of default judgment against defendant Airborne Express, Inc. for failure to answer or otherwise plead to the complaint, and in support thereof aver as follows:

1. On May 20, 2002 plaintiff filed a complaint against her former employer, defendant

Airborne Express, Inc. (“defendant”) alleging causes of action under Title VII of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act for acts of sexual discrimination, hostile work environment and unlawful retaliation (Complaint and Summons attached as Exhibit “A”).

2. On June 4, 2002, defendant was personally served with a copy of the Summons and Complaint at its place of business at 1101 North Christopher Columbus Boulevard, Philadelphia, Pennsylvania by handing copies thereof to Dan McTague, Supervisor of the facility (return of service attached as Exhibit “B”).

3. On June 28, 2002, plaintiff’s counsel filed a Praecipe to Enter Default against defendant, and default was entered by the Clerk that day (attached as Exhibit “C”).

_____4. On July 15, 2002, plaintiff’s counsel sent a letter to defendant’s agent, Mr.

McTague at the place where he had been personally served advising him of entry of the default and suggesting that he forward it to defendant's legal department (attached as Exhibit "D").

5. As of this date, July 26, 2002, plaintiff's counsel has not received any communication from defendant or its representatives.

6. Fed.R.C.P. 55 (b)(2) provides that, following entry of default, the party entitled to a judgment by default "shall apply to the court therefore;..."

7. Defendant's failure to answer or otherwise plead to the Complaint under the circumstances above stated is inexcusable and warrants entry of a default judgment against them.

WHEREFORE, for all the foregoing reasons, plaintiff respectfully requests the Court to enter default judgment against defendant.

SPRAGUE & SPRAGUE

BY: _____
David L. DaCosta, Esquire
Joseph J. McAlee, Esquire
The Wellington Building
135 So. 19th Street, Suite 400
Philadelphia, PA 19103
(215) 561-7681

Dated: July 26, 2002

**UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

Margaret Palcko,	:	Civil Action
Plaintiff	:	
	:	
v.	:	
	:	
Airborne Express, Inc.,	:	No.: 02-CV-2990
Defendant	:	
	:	

ORDER

AND NOW this day of , 2002, upon consideration of Plaintiff's Motion to Enter Default Judgment Against Defendant Airborne Express, Inc., it is hereby **ORDERED** that **JUDGMENT BY DEFAULT** is entered against Defendant, Airborne Express, Inc.

BY THE COURT:

Hon. Jay C. Waldman, U.S.D.J.